IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 6TH SEPTEMBER 2007 / 15TH BHADRA 1929

WP(C).No. 26599 of 2007(N)

OS.84/2005 of SUB COURT,KOTTARAKKARA
OS.125/2005 of MUNSIFF COURT, PUNALUR

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PETITIONER:

PODIKUNJU,S/O. ABDUL MAJEED,
RESIDING AT SALEEM SMRITHIYIL,
CHITHARA VILLAGE, KOLLAM.

BY ADV. SRI.V.CHITAMBARESH
SRI.T.C.SURESH MENON
SRI.JIBU P THOMAS
SRI.P.S.APPU

RESPONDENTS:

1. ABDUL SALAM,S/O. ABDUL MAJEED,

2. JALALUDEEN, S/O. ABDUL MAJEED.

3. NAJEEM,S/O. ABDUL MAJEED,
ALL ARE, RESIDING AT CHARUVILA PUTHEN VEEDU,
MANNARAKKODU, CHITHARA VILLAGE, KOLLAM.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J.

W.P.(C).NO.26599 OF 2007-N

Dated this the 6th day of September, 2007.

JUDGMENT

This writ petition is filed seeking a direction to the Subordinate Judge, Kottarakkara, to dispose of Exts.P3 and P4 applications and other reliefs and for an interim prayer to stay all further proceedings in execution in O.S.No.84/2005. The grievance of the writ petitioner is that there is already a decree obtained by him in O.S.No.125/2005 which has attained finality and the respondents in the writ petition concealing the aforesaid decree, had obtained an ex-parte decree in O.S.No.84/2005 and for setting aside which, Exts.P3 and P4 applications are filed with a petition to condone the delay.

2. I feel the matter requires consideration at the hands of the court below. Therefore, I direct the Subordinate Judge, Kottarakkara, to dispose of Exts.P3 and P4 within a time frame of two months from today and till the disposal of the same, not to proceed with the execution proceedings in O.S.No.84/2005 pending before the said court.

The writ petition is disposed of as above.

M.N. KRISHNAN, JUDGE.

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